United Nations S/2001/1268

Security Council

Distr.: General
27 December 2001
English
Original: English/French

Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Belarus, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

01-72098 (E) 220102 230102

Annex

Letter dated 21 December 2001 from the Permanent Representative of Belarus to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Russian]

On instructions from my Government, I have the honour to transmit to you herewith the report of the Republic of Belarus to the Counter-Terrorism Committee, submitted in accordance with paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

The Government of the Republic of Belarus stands ready to provide the Committee with additional reports or information that may be required or requested by the Committee.

I should be grateful if you would have this letter and the attached report circulated as a document of the Security Council.

(*Signed*) Sergei **Ling**
Ambassador
Permanent Representative

Enclosure

Report of the Republic of Belarus on implementation of Security Council resolution 1373 (2001)

Paragraph 1

On 18 October 2001, under the guidance of the President of the Republic of Belarus A. G. Lukashenka, a meeting of the Belarusian Security Council was held to address the world situation following the terrorist acts of 11 September 2001 in United States territory and their consequences for the international community. Taking account, inter alia, of Security Council resolution 1373 (2001), a Decree of the Belarusian Security Council and a Plan of Additional Measures to Strengthen the Fight Against Terrorism were adopted.

The Plan in question envisages implementation of a range of institutional, judicial and practical measures, including:

- Harmonization of Belarusian legislation with the provisions of Security Council resolution 1373 (2001) on counter-terrorism;
- Checks on banks to trace accounts through which terrorist organizations might be financed, including measures to freeze any traced accounts and to identify their originators.

The following legislation establishes the basis for monitoring banking operations in the Republic of Belarus:

- Act of 19 July 2000 "On measures to prevent the legalization of funds obtained by illegal means". This Act governs the procedure for monitoring financial operations subject to special oversight, including the international transfer of funds from areas where the relevant State agencies have reported illicit production of narcotic drugs or psychotropic substances or a concentration of significant funds belonging to or destined for persons regarding whom there are sufficient grounds for suspecting that they are involved in the illicit production or distribution of weapons and/or in international crime;
- Act of 26 June 1997 "On measures to combat organized crime and corruption;
- Banking Code;
- Criminal Code;
- Code of Criminal Procedure.

Domestic legislation also regulates questions concerning the freezing of accounts. The attachment and forfeiture of funds or other property held in a bank and belonging to physical or judicial persons may occur following:

- A court decision or ruling;
- A decree issued by a body of inquiry and preliminary investigations in cases covered by the Code of Criminal Procedure;
- A decision of the tax authorities in cases covered by Belarusian legislation.

No information is currently available on the tracing of accounts through which terrorist organizations might be financed.

Paragraph 2 (a), (d), (e)

At the national level, the legal basis for the counter-terrorist efforts of competent bodies of the Republic of Belarus is as follows:

- Criminal Code;
- Code of Criminal Procedure;
- Decree No. 185 of the President of the Republic of Belarus of 31 March 1998 enacting the Statute on coordination of efforts of special subunits of law enforcement agencies and other State bodies to combat terrorism, organized crime and corruption;
- Directive No. 272 (by order of the President) of 23 September 1999 on supplementary measures for ensuring public security and preventing extremist and terrorist acts in the territory of the Republic of Belarus.

It is noteworthy that, in the context of new and emerging approaches in the world to the problem of counter-terrorism, the Republic of Belarus has managed to avoid the active manifestation of terrorism, the formation of terrorist groupings and the factors causing such phenomena, thanks largely to the existing normative legal basis in the field of counter-terrorism.

Nevertheless, in order to unify counter-terrorism legislation and in response to new and emerging realities in the international community, the House of Representatives of the National Assembly of Belarus adopted a bill on counter-terrorism in second reading on 11 December 2001.

The bill defines the legal and institutional authority for counter-terrorism, includes a series of measures aimed at preventing, detecting, suppressing and uncovering terrorism-related offences and deals with the range and competence of entities engaged in counter-terrorism and the legal authority for engaging in counter-terrorism.

The bill establishes the President and Council of Ministers as the main entities responsible for spearheading counter-terrorism efforts in the Republic of Belarus. The State Security Committee, the Ministry of Internal Affairs, the Presidential Security Service, the Ministry of Defence and the State Committee on border Troops are the bodies directly responsible for conducting counter-terrorism efforts. An Inter-Departmental Counter-Terrorism Commission is being established to coordinate their activities.

Pursuant to article 4 of the above-mentioned bill, the Republic of Belarus will cooperate on counter-terrorism under international treaties with foreign States, their law enforcement agencies and special services and with international organizations engaged in counter-terrorism. In the interests of ensuring the security of individuals, society and State, the Republic of Belarus will investigate individuals involved in terrorist activities in its territory, including in cases provided for in international treaties where terrorist acts have been planned or conducted outside the frontiers of the Republic of Belarus but have been detrimental to the Republic of Belarus, and in other cases provided for in international treaties to which Belarus is party.

The Criminal Code of the Republic of Belarus (article 126) defines the concept of "international terrorism" inter alia as the organization or execution in the territory of a foreign State of explosions, arson or other acts with a view to causing loss of

life or physical injury, destroying or damaging buildings, installations, means of transport, means of communication or other property for the purpose of provoking international tension or hostilities or destabilizing the internal situation in a foreign State, or assassinating or causing physical injury to a political or public figure of a foreign State, or damaging their property for the same purpose, and establishes criminal liability for such acts.

The Criminal Code also establishes criminal liability for recruitment, training, financing and use of mercenaries (article 132) for the purposes of establishing or participating in a criminal organization (article 285); banditry (article 286); establishment of an illicit armed faction (article 287); terrorism (article 289); threatening to commit an act of terrorism (article 290); hostage-taking (article 291); seizure of buildings and installations (article 292); hijacking a train, aircraft or vessel or their seizure for purposes of hijacking (article 311) and other terrorism-related offences.

Furthermore, acts of violence against representatives of a foreign State or international organization and the kidnapping or holding of such persons against their will for the purpose of provoking international tension or hostilities are defined as punishable offences (article 124 of the Criminal Code).

On 13 November 2001, the Act "On weapons" was adopted, with a view to regulating relations concerning the arms trade in the territory of the Republic of Belarus in order to safeguard the life and health of citizens, protect property, ensure public security, safeguard the environment and natural resources and strengthen international cooperation to combat crime and the illicit distribution of weapons.

Thanks to the Republic's stringent export control system, which meets international standards, the export of weapons can take place only through the official channels of the importing country and subject to compliance with all international norms governing the transfer of weapons and military technology.

Order No. 272 of the President of the Republic of Belarus of 23 September 1999 gave effect to the Statute on supplementary measures for ensuring public security and averting extremist and terrorist acts in the territory of the Republic of Belarus. It envisages, inter alia:

- Establishment of an ongoing and institutionalized exchange of information between corresponding bodies in neighbouring countries on threatened and actual terrorist and extremist acts with a view to their prevention and investigation;
- Enhanced protection of transport networks, administrative buildings and facilities that manufacture, use or store weapons, ammunition, explosives, toxic or radioactive substances;
- Operations to suppress illicit trade in weapons, explosives, toxic substances and other means of attack, as well as to curb illegal migration;
- Introduction at entry points on the national border of a series of supplementary measures for detecting weapons, ammunition, explosives and toxic substances;
- Special monitoring of procedures for issuing permits for the movement of industrially manufactured radioactive, explosive, highly poisonous or toxic substances, explosives and explosive devices;

– Organization of a comprehensive inspection of weapons-manufacturing enterprises and facilities for storing or utilizing ammunition and explosives.

Regarding practical measures for suppressing illicit trade in weapons and explosives in the Republic of Belarus, two "Arsenal" special operations were organized and conducted in 2000 (March-April and September-October) involving a series of operational, investigative and precautionary measures to verify observance by juridical persons and individuals of the rules governing the storage and use of weapons and to identify cases of illicit weapons trading in the territory of the Republic of Belarus. Following measures taken in respect of the illicit carrying and keeping of firearms and explosives, 21 persons were held criminally liable and 1,998 weapons permits were withdrawn. More than 3,000 illicit weapons were seized and 7,674 persons were held administratively liable for various infringements of the permit system.

In the Republic of Belarus, a total of 1,253 facilities make regular use of explosive substances, while 2,396 economic entities engage in the transport of dangerous, explosive and inflammable goods.

In 2001, to date, State authorities have identified 1,110 facilities and 662 cases involving the infringement of procedures for the storage and keeping of weapons, as well as 17 individuals engaged in the manufacture of weapons, explosives and explosive devices and 29 persons combing Great Patriotic War zones for weapons and ammunition; they have also seized 141 weapons, 3,197 pieces of ammunition, 74 explosive devices and 7.45 kg of explosives.

In September 2000, the Committee on Organized Crime and Corruption under the Ministry of Internal Affairs of Belarus and corresponding units of the Ministry of Internal Affairs of Ukraine conducted a joint special operation entitled "Alien" in the Volynsky district to identify organized criminal groups involved in illicit trade in weapons, narcotic drugs and illicit migration and to forestall possible terrorist acts in frontier areas.

The competent authorities are also engaged on an ongoing basis in activities to suppress illegal migration and to strengthen control over arrangements governing the stay of aliens and stateless persons in the territory of the Republic of Belarus. Recently, these have included the design and implementation of special operations named "Illegal", "Clear Sweep" and "Private abode", with a view to stepping up investigations in the housing sector, hotels, stations, markets and hostels in order to trace persons illegally present in Belarusian territory and adopt preventive measures to identify entities liable to engage in terrorist activities.

Paragraph 2 (c)

Asylum questions in the Republic of Belarus are dealt with in the Constitution of Belarus, the Act of 2 July 1993 "On the legal status of aliens and stateless persons in the Republic of Belarus", with amendments and additions introduced by the Act of 18 July 2000, in international treaties and other legislation, including the Statute on the procedure for consideration of questions of asylum for aliens and stateless persons, enacted by Decree No. 229 of the President of the Republic of Belarus of 29 November 2001.

In accordance with the above-mentioned Statute, asylum may be granted to aliens and stateless persons located in the territory of the Republic of Belarus who

have been forced to leave their countries of residence as a result of persecution because of their political or religious convictions (provided they do not advocate enmity between people or harm their health) or their national affiliation.

When considering applications and issuing papers concerning the granting of asylum, the competent authorities of the Republic of Belarus request the necessary documents and ascertain the arrival circumstances, the reasons for the applicant's presence in the territory of the Republic of Belarus, personal details and means of livelihood, as well as other circumstances meriting attention.

It should be noted that a Decree of the President of the Republic of Belarus "On the introduction of amendments and additions to the Statute on the procedure for consideration of questions of asylum for aliens and stateless persons" is currently being drafted. It is intended, inter alia, to clearly establish the grounds for refusing asylum (the individual concerned has committed an offence against peace, a war crime or a crime against humanity, a serious crime of a non-political character outside the country prior to arrival in its territory, etc.) and the grounds for cancelling the right to asylum in the Republic of Belarus.

Paragraphs 2 (b) and (f)

The country's special services are working continuously to gather intelligence concerning international extremist and terrorist organizations and other criminal groups engaged in the selling of arms and explosives. Security officers working in Belarusian diplomatic missions and institutions abroad have initiated an exchange of information with the special services of the host countries on the forms and methods of activity of terrorist organizations and on individuals suspected of planning to commit terrorist acts.

Cooperation has been organized in the Armed Forces of the Republic of Belarus with the Republic's law enforcement ministries and with the Headquarters of the Armed Forces of the Russian Federation in exchanging information. The operations duty service in the Headquarters of the commander of the internal security troops of the Ministry of Internal Affairs and the duty officer in the command and control facility of the chief of the Armed Forces' chemical warfare troops are sharing information on changes in the radiation, chemical and biological situation at potentially dangerous installations of both the national economic complex and the Armed Forces.

Bilateral Belarusian-Lithuanian consultations were held on 26 and 27 November 2001 in Kaunas, Republic of Lithuania, concerning cooperation between the Republic of Belarus and the Republic of Lithuania in air defence and in ensuring the security of the Ignalina atomic power station.

One of the main forms of cooperation among the law enforcement agencies of the CIS member States in combating terrorism and other manifestations of extremism is the exchange of information of mutual interest.

The Ministry of Internal Affairs of the Republic of Belarus currently has a copy of a database developed by the Ministry of Internal Affairs of the Russian Federation containing basic data on persons of Chechen nationality wanted by the Russian law enforcement agencies for terrorist activities.

The subdivisions of the Ministry of Internal Affairs of Belarus are taking steps to detect and suppress the activities of criminal individuals belonging to criminal ethnic groups. Twenty-four ethnic groups with a total of more than 300 members are listed in the automated databank of the Ministry's Committee on Combating Organized Crime and Corruption.

Special information on individuals and organized criminal formations is also exchanged through the Office for the Coordination of the Fight against Organized Crime and Other Dangerous Forms of Crime in the Territory of the Commonwealth of Independent States.

In implementation of Decree No. 137 of the President of the Republic of Belarus of 5 April 1996 "On the creation of a databank for special information" and in accordance with the letter of the State Secretary of the Security Council of 23 October 1997 on measures for combating terrorism in the territory of the Republic of Belarus, special information on the following matters is transmitted by the Ministry of Internal Affairs of Belarus on a monthly basis for entry in the databank, which is managed by the Republic's State Security Committee:

- Preparation and commission of terrorist acts in the territory of the Republic of Belarus and other States;
- Individuals and groups involved in the activities of terrorist and extremist organizations and illegal armed formations;
- Illegal transfers of virulent, toxic, poisonous and radioactive substances, explosives, arms and ammunition, special materials and military hardware.

In order to consolidate the efforts of the law enforcement agencies of the CIS member States to combat terrorism and other manifestations of extremism and to intensify the fight against illicit trafficking in arms, explosives and ammunition, an Agreement concerning Cooperation among Ministries of Internal Affairs in Combating Terrorism was signed on 8 September 2000 in Cholpon-Ata, Kyrgyzstan. The Republic of Belarus has acceded to this Agreement pursuant to decision No. 608 of the Council of Ministers of Belarus of 27 April 2001.

The basic forms of cooperation among internal affairs organs under this Agreement are as follows:

- Exchanging information of mutual interest on planned terrorist acts; terrorist infringements aimed at violating the sovereignty and territorial integrity of States; terrorist and other extremist organizations and groups, their tactics and methods, their leaders and members, and individuals involved in the activities of such organizations and groups; illegal armed formations using terrorist and other extremist methods of combat; and cases of illicit trafficking in nuclear materials, chemical and biological weapons or their components, etc.;
- Responding to enquiries regarding operational and investigative measures aimed at preventing, detecting, suppressing and investigating terrorist or other extremist crimes, hostage taking, kidnapping and illicit trafficking in arms and ammunition, etc.;
- Developing and implementing coordinated measures aimed at suppressing the activities of terrorist groups and organizations, cutting off their channels of

financial, military, technical and other support, and identifying terrorist bases and training camps, etc.

Paragraph 2 (g)

The State Committee on Border Troops of the Republic of Belarus is taking the following measures to implement the provisions of resolution 1373 (2001), the normative documents concerning the fight against terrorism and the plan of additional measures to counteract terrorism of 18 October 2001:

- Border controls have been tightened in respect of persons entering Belarus from countries and regions in which terrorists are active;
- Persons and vehicles are being thoroughly and carefully examined for the purpose of detecting arms, ammunition, explosives, poisonous substances and other means of terror and sabotage;
- Thorough checks are being made in relation to persons who are being held in administrative detention and are from countries and regions from which terrorism may emanate;
- Work on the preparation for the creation of an automated passport control system has been stepped up;
- Border troop units are being supplied with modern technical equipment for examining vehicles and cargoes;
- Cooperation has been organized with the 139th border forces cover detachment of the Russian Federal Border Service. Joint arrangements are being made to follow up processes occurring in the Russian-Belarusian sector of the border.

Within the framework of efforts to counteract illegal migration and to strengthen control over arrangements for the stay of aliens and stateless persons in the territory of the Republic of Belarus, the special services have designed and are carrying out operations aimed at identifying persons present in the territory of the Republic with no legal basis, as well as taking preventive measures to identify potential terrorist targets.

Persons suspected of involvement in international extremist and terrorist organizations are being stopped from entering Belarus.

Border controls have been tightened in respect of persons entering Belarus from countries and regions where terrorists are active.

In implementation of the decision of the Joint Board of the Ministry of Internal Affairs of the Republic of Belarus and the Ministry of Internal Affairs of the Russian Federation, a joint special operation, "Operation Border", is being conducted in regions of the Russian Federation, Belarus and Ukraine adjacent to the border. The internal affairs organs have developed a system of cooperation for the purpose of strategic border closures and for cutting off the channels for illegal migration and illicit trafficking in arms, ammunition, explosives and explosive devices, narcotic drugs and psychotropic substances.

The Ministries of Internal Affairs of Belarus and the Russian Federation are cooperating closely in suppressing illegal activities by persons engaged in the trade in arms and explosives and disposed to commit acts of terrorism in its various forms

and in counteracting ethnic criminal formations. A databank has been created and new data are being added on persons working with pyrotechnic devices or explosives and persons engaged in the manufacture and repair of arms or the illegal manufacture of arms, ammunition and explosives, and on enterprises, organizations and institutions using explosives in their activities and economic entities providing financial or other support to organized criminal formations.

Paragraph 3 (a) to (e) and paragraph 4

The Republic of Belarus has become a party to the majority of the universal conventions on counter-terrorism:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;

2. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the United Nations General Assembly on 14 December 1973;

5. International Convention against the Taking of Hostages, adopted by the United Nations General Assembly on 17 December 1979;

6. Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980;

7. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988;

8. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991;

9. International Convention for the Suppression of Terrorist Bombings, adopted by the United Nations General Assembly on 15 December 1997.

The Republic of Belarus is taking legislative and other necessary measures for the proper implementation of these international instruments.

The Republic of Belarus is currently completing the domestic procedures necessary for the entry into force of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf of 10 March 1988, which were signed by the Republic of Belarus on 2 March 1989.

During the fifty-sixth session of the United Nations General Assembly, Belarus signed the International Convention for the Suppression of the Financing of Terrorism, adopted by the Assembly on 9 December 1999.

In addition, cooperation between the law enforcement agencies of the Republic of Belarus and the law enforcement agencies of other States in combating terrorism is being implemented on the basis of the following bilateral international treaties:

- Memorandum of Understanding between the Government of the Republic of Belarus and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Cooperation in the Fight against Illicit Trafficking in Narcotic Drugs, Organized Crime and International Terrorism (signed in London on 13 March 1995);
- Agreement between the Government of the Republic of Belarus and the Government of the Republic of Turkey concerning Cooperation in the Fight against International Organized Crime, International Trafficking in Narcotic Drugs and International Terrorism (signed in Ankara on 24 July 1996);
- Agreement between the Ministries of Internal Affairs of the Republic of Belarus and the Republic of Bulgaria concerning Cooperation in the Fight against Crime (signed in Sofia on 13 September 1994);
- Agreement between the Ministry of Internal Affairs of the Republic of Belarus and the Ministry of Internal Affairs of Romania concerning Cooperation in the Fight against Crime (signed in Bucharest on 22 May 1996);
- Agreement between the Ministries of Internal Affairs of the Republic of Belarus and the Republic of Poland concerning Cooperation in the Fight against Crime (signed in Warsaw on 24 April 1992);
- Agreement on Cooperation between the Ministry of Internal Affairs of the Republic of Belarus and the Ministry of Internal Affairs of the Republic of Lithuania (signed in Vilnius on 16 July 1993);
- Agreement on Cooperation between the Ministry of Internal Affairs of the Republic of Belarus and the Ministry of Public Security of the Socialist Republic of Viet Nam (signed in Minsk on 23 October 2000);
- Agreement on Cooperation between the Ministry of Internal Affairs of the Republic of Belarus and the Ministry of Public Security of the People's Republic of China (signed in Beijing on 23 April 2001).

Currently, the Republic of Belarus is also working to conclude international treaties containing provisions on measures to combat terrorism with the following States: the Republic of Lithuania, the Czech Republic, the Slovak Republic, the Republic of Poland, the Federal Republic of Yugoslavia, the Kingdom of Sweden, the Islamic Republic of Iran and the Republic of India.

The following international treaties form the legal basis for the cooperation between the law enforcement agencies of the Republic of Belarus and the law enforcement agencies of the CIS member States:

- Inter-State Programme of Joint Measures to Combat Crime for the Period 2000-2003 (approved by the decision of the Commonwealth's Council of Heads of State of 25 January 2000);
- Programme of CIS Member States to Combat International Terrorism and Other Forms of Extremism up to the Year 2003 (approved by the decision of the Commonwealth's Council of Heads of State of 21 June 2000);

- Decision on the establishment of the CIS Anti-Terrorist Centre (Moscow, 21 June 2001);
- Agreement on Cooperation among CIS Member States in the Fight against Crime (signed in Moscow on 25 November 1998);
- Agreement on Cooperation among the Ministries of Internal Affairs of the independent States in the Fight against Crime (signed in Almaty on 24 April 1992);
- Agreement on Interrelations between Ministries of Internal Affairs in the Exchange of Information (signed in Cholpon-Ata on 3 August 1992);
- Agreement on Cooperation among Ministries of Internal Affairs in the Fight against Terrorism (signed in Cholpon-Ata on 8 September 2000).

In addition, the Ministry of Internal Affairs of the Republic of Belarus has concluded bilateral interdepartmental agreements on cooperation with the Ministries of Internal Affairs of Ukraine, Turkmenistan, Moldova, Armenia, Georgia, Kazakhstan, Tajikistan, Kyrgyzstan, the Russian Federation, Uzbekistan and Azerbaijan.

Paragraph 3 (f) and (g)

Overall, the Republic of Belarus has a full complement of legislation on migration. Acts of the Republic of Belarus "On refugees" (1995, amended and supplemented in 1999), "On internal labour migration" (1998) and "On immigration" (1998) have been adopted, taking into account the universally recognized norms and principles of international law. On 4 May 2001, the Act of the Republic of Belarus on accession to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto was adopted. The Convention relating to the Status of Refugees entered into force for the Republic of Belarus on 21 November 2001 and the Protocol on 23 August 2001. A bill amending and supplementing certain legislative acts of the Republic of Belarus in connection with Belarus's accession to the Convention and Protocol relating to the Status of Refugees is now in the process of being agreed.

It should also be noted that, in order to determine which persons really need to be granted refugee status, applications for asylum are being examined by the migration services with the involvement of the Ministry of Internal Affairs and the State Security Committee of the Republic of Belarus, taking into account convincing facts and information provided by the applicants.